

REMARKS

Claims 1-2, 11, 17-18, 20, 23, 26-27, 30-32, and 34-45 are pending in the application.

Restriction Requirement

In the Restriction Requirement, the Examiner requested Applicants to elect one of the following inventions:

Group 1 (claims 1, 2 and 17-18) drawn to a purified polypeptide.

Group 2 (claims 11, 32, 34, 37-38 and 40-43) drawn to an isolated antibody.

Group 3 (claim 20) drawn to a method for screening an agonist.

Group 4 (claim 23) drawn to a method for screening an antagonist.

Group 5 (claim 26) drawn to a method for screening a binder.

Group 6 (claim 27) drawn to a method for screening a modulator.

Group 7 (claims 30-31) drawn to a method for in vitro diagnostic testing.

Group 8 (claims 30-31 and 35) drawn to a method for in vivo diagnostic testing.

Group 9 (claim 36) drawn to a method for preparing a polyclonal antibody.

Group 10 (claim 39) drawn to a method for preparing monoclonal a antibody.

Group 11 (claim 44) drawn to a method for detecting a polypeptide using an antibody.

Group 12 (claim 45) drawn to a method for detecting a polypeptide using an antibody.

Group 13 (claim 45) drawn to a method of purifying a polypeptide with an antibody.

Applicants hereby elect, with traverse, to prosecute Group 1, which includes and is drawn to Claims 1, 2, and 17-18. Applicants object to the excessive restriction of method of use claims that depend from and are therefore limited in scope to their corresponding composition of matter claims. For example, methods of screening for an agonist, antagonist, binder, or modulator that are limited to the use of the polypeptides of Group 1, have been separately restricted (Groups 3-6, respectively). Clearly, these methods could be examined together without undue burden as they are all methods of "screening" and are classified the same. Applicants further submit that these claims could be examined together with the composition of matter claims of Group 1 as they are limited in scope to these claims.

Likewise, claims 36 and 39 of Groups 9 and 10 are both drawn to a method of preparing

an antibody that are classsified identically and therefore could be examined together. It is further noted that claims 30-31 have been duplicated in Groups 7 and 8, and likewise claim 45 in Groups 12 and 13.

Applicants therefore request reconsideration of the Restriction Requirement and examination of all claims 1, 2, 17-18, 20, 23, and 26-27 in Groups 1 and 3-6. In the event the Examiner maintains the Restriction Requirement, Applicants reserve the right to prosecute the subject matter of non-elected claims in subsequent divisional applications.

CONCLUSION

Applicants believe that no fee is due with this communication. However, if the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. **09-0108**.

Respectfully submitted,

INCYTE CORPORATION

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